

ARGUMENTS/REMARKS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and amended as necessary to more clearly and particularly describe and claim the subject matter, which Applicants regard as the invention.

Claims 1–25 remain in this application.

Claims 1–3 and 6–25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kaminura (JP 07-154761A) in view of Watanabe *et al.* (U.S. 6,344,907). For the following reasons, the rejection is respectfully traversed.

Claim 1 recites:

a processing means including a microprocessor for executing an image modification program for implementing one or more image modification processing techniques which subject the pickup image signal to an image modification processing to produce a modified image signal for protecting a portrait right

(emphasis added). As previously argued, the Examiner admits that Kaminura does not suggest any processing means including a “microprocessor” for executing an “image modification program” to produce a modified image signal, as recited in the claim. Instead, the Examiner cites Watanabe as teaching the cited element.

In response, the Examiner states “one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references.” Such a statement is not relevant to the previous arguments. To support an obviousness rejection, the Examiner must provide prior art that teaches or suggests *all* of the claim elements and/or claim limitations (MPEP §2143.03). However, a close reading of Watanabe does not support the Examiner’s rejection.

Watanabe is directed toward a vending apparatus for photographing and printing photos. It teaches the ability to do various image modification, including “enlarging, reducing, slenderizing, and broadening” an image (col. 7, lines 51–55). However, such modifications are *not* for protecting a portrait right as recited in the claim, and cannot do so, because such modification does not protect any portrait right. Such images would likely be

recognizable, and thus would then violate a portrait right. Claim 1 specifically recites that a processing means including a microprocessor executes *an image modification program* for implementing one or more *image modification processing techniques* which subject the pickup image signal to an image modification processing to produce a modified image signal for *protecting a portrait right*. Neither reference teaches executing any such program using a processor, as specifically required by the claim. Kaminura teaches the use of simple logic circuits to modify an image to protect privacy. It does not teach any execution of a program to do so. Watanabe teaches using a processor to modify an image by “enlarging, reducing, slenderizing, and broadening” the image. But there is no teaching that such operations further any privacy right. Thus, neither reference teaches any processor executing a program as specifically limited by the claim language. Thus, the combination of references does not teach the cited limitation of the claim.

Furthermore, because Kaminura already teaches a means of protecting the privacy of a user, there can be no motivation for further modifying Kaminura do add the processing of Watanabe, because the Kaminura device is *already* capable of performing the desired function. The claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose. MPEP § 2143.01. Clearly, modifying Watanabe according to Kaminura would change the principle of operation of Watanabe. Accordingly, there is no motivation for combining the references, and thus the rejection is improper.

Further, adding the features of Watanabe to Kaminura would merely add the ability to “enlarge, reduce, slenderize, and broaden” the image. It would not add any further capability to protect a portrait right by executing a program, as recited in the claim. Thus, claim 1 does not read on the combination.

For any of the above reasons, claim 1 is patentable over the references. Claims 2–3 and 6–7, which depend on claim 1, are thus patentable over the references for at least the same reasons.

In addition, claim 2 recites that “the image signal selection means selects and outputs the modified image signal from the processing means *at a time of starting communication*, and *thereafter* selects and outputs the pickup image signal from the pickup signal processing means in response to an *operational instruction* from a calling party.” Neither reference

teaches providing the modified image when starting the communication, and thereafter allowing the calling party to influence the image.” The references further do not teach any “operational instruction from a calling party” as recited in the claim. Instead, Kaminura merely teaches a user turning a switch 31 on or off to activate/deactivate the privacy feature. In fact, the reference teaches that “usually, all the switches of the switch section (31) are in an OFF state, which provides the “former” (i.e., unmodified) image (see paragraph [0011]). There is no suggestion of any instruction from a calling party being used to do so. Watanabe does not overcome the Kaminura shortcomings. Thus, for this reason as well, claim 2 is patentable over the references.

The Examiner argues that image modification of Kaminura is based on a switch control part controlled by an originating party, cited the abstract. However, the abstract is completely silent as to what party can operate the switches. Thus, the citation does not support the Examiner’s argument.

Claim 3 recites that “the image signal selection means selects and outputs the modified image signal from the processing means at a time of starting communication, and thereafter selects and outputs the pickup image signal from the pickup signal processing means in response to confirmation of authentication of a partner side of a calling party.” Neither reference discusses any “authentication of a partner side of a calling party” as recited in the claim, and thus for this reason as well, claim 3 is patentable over the references.

Claim 6 recites that the “processing means performs a resolution reducing processing for reducing a resolution of the pickup image signal.” Kaminura does not specifically suggest resolution reducing processing capability. A close reading of the English language abstract does not support the Examiner’s assertion, as no discussion of resolution reduction can be found. Instead, Kaminura merely suggests direct modification of the digital video signal to corrupt the image by shorting out output bits.

The Examiner argues that the abstract teaches “resolution reducing processing.” Applicant’s representative could not find the words “resolution” or “reducing” anywhere in the abstract, and no equivalent terminology has been used. The abstract merely states that privacy can be protected by “displaying the picture on a monitor so as not to correctly discriminate the original video.” One skilled in the art would know that there are many ways

to do this, and that there is no teaching of “resolution reducing processing” as the Examiner argues. Thus, the rejection is improper and hence claim 6 is patentable over the references.

Claim 7 recites that the “processor performs a tone resolution reducing processing for reducing a tone resolution of the pickup image signal.” Neither Watanabe nor Kaminura suggest tone resolution reducing processing capability. The Examiner fails to support this rejection with any citation showing where the references supposedly teach tone resolution reducing processing. A close reading of the references does not support the Examiner’s assertion, as no discussion of tone resolution reduction can be found. Instead, as discussed above, Kaminura seems to merely suggest direct modification of the digital video signal to corrupt the image. Thus, the rejection is improper and hence claim 7 is patentable over the reference.

Claim 8, as amended, recites:

...image modification processing means *for executing a program* which subjects the pickup image signal to an image modification processing for *protecting a portrait right*, said image modification including one or more of defocusing processing, deforming processing, resolution reducing processing, tone resolution reducing processing, diffusing image processing, transverse blurring processing, and contour extracting processing...

(emphasis added). As discussed for claim 1, neither reference teaches executing a program for protecting a portrait right, and thus the claim is patentable over the reference. Furthermore, neither reference teaches the specific types of modifications listed in the claim, and, thus, the claim is patentable over the references for this reason as well. Claims 9–10 depend on claim 8, and thus are patentable over the references for at least the same reasons as claim 8.

Furthermore, claims 9 and 10 have limitations similar to those discussed above for claims 2 and 3, and thus are patentable over the references for that reason as well.

Claims 11, 14, 17 and 20 all contain similar limitations as those discussed above, and thus, are patentable over the reference for similar reasons. Claims 9, 10, 12, 13, 15, 16, 18,

19 and 21–25, which depend, directly or indirectly, on one of the above-discussed claims, are patentable over the reference for at least the same reasons.

Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kaminura in view of Watanabe, and further in view of Hiroaki (U.S. 5,786,846). For the following reasons, the rejection is respectfully traversed.

Claims 4 and 5 are patentable over Kaminura in view of Watanabe for the reasons set out for claim 1. Hiroaki does not overcome the cited deficiencies of Kaminura and Watanabe, and thus claims 4 and 5 are patentable over the combination as well.

In addition, claim 4 recites “the processing means performs a *defocusing* processing for placing an image based on the pickup image signal in a defocused state.” The Examiner admits that neither Kaminura nor Watanabe teach defocusing processing, but asserts that Hiroaki teaches defocusing processing. However, the examples that the Examiner lists (i.e., indicating user’s deviation, enlarging/reducing image size, cutting display part, changing brightness or hue) are *not* defocusing processing. Instead, the Hiroaki device is directed toward a means of notifying a user if he is out of range of a camera. This is not a defocusing operation, and Applicant has found no such teaching in the reference. Accordingly, claim 4 is patentable over the combination for this reason as well.

Furthermore, claim 5 recites “the processing means performs a *deforming* processing for converting two-dimensional positional information of pixels in the pickup image signal at an arbitrary ratio.” The Examiner has failed to point out where the reference supposedly teaches this limitation, and the cited examples are clearly different operations. Thus, for this reason as well, claim 5 is patentable over the references.

Finally, the Examiner has not provided the proper motivation for combining the references. Instead, the Examiner merely lists the conclusory benefit of the combination, without any reasoning as to why that particular feature should be used to modify the primary reference. Accordingly, the combination is improper, and hence the rejection cannot stand. Thus, claims 4 and 5 are patentable over the references for this reason as well.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited

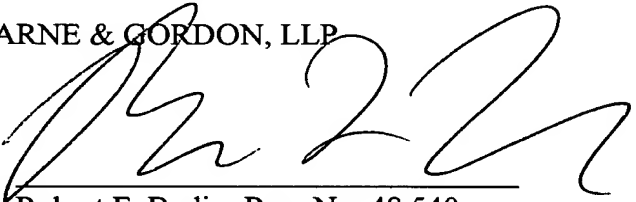
to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33869.

Respectfully submitted,

PEARNE & GORDON, LLP

By:

A handwritten signature in black ink, appearing to read 'R. Bodi', is written over a horizontal line.

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